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92-105

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October 25, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Secretary
Federal Communications Commission
1919 M Street, NW
Washington DC 20554

RE: CC Docket No. 92-105

We must apologize that our comments on the subject docket were not provided prior to October 10, 1996, and hereby respectfully request that they still be accepted for consideration. This agency learned of this matter in early October after reading a news report that was several days old. We immediately began searching the Federal Register and directing inquiries to the Kentucky Public Service Commission and the Federal Highway Administration. We were not able to obtain any information on the Docket number, closing date, etc., until this information was faxed October 22, 1996, to our ITS Program Manager by Elizabeth Nightingale of the FCC Network Services Division. We most certainly would have commented prior to the due date if we had learned earlier of the request and been able to obtain the necessary information in an expeditious manner.

On June 21, 1995, the Kentucky Public Service Commission (KPSC) awarded this Agency the right to use the 311 dialing code in the Kentucky portion of the Cincinnati Bell Telephone Company service area for the specific purpose of providing free travel information to telephone customers. This right is to exist until June 20, 1997, at which time the decision would be re-evaluated. This decision by KPSC was consistent with an earlier decision, made November 5, 1993, which stated that N11 dialing codes were a "scarce public resource". This Agency totally supports the decision that N11 dialing codes are a "scarce public resource" and submit that public interests should be paramount in the assigning of these dialing codes, regardless of purpose. As such, we totally support the Department of Justice's request that a N11 dialing code be assigned to relieve the burden of non-emergency calls to 911. We do, however, most respectfully and strongly request that a dialing code other than 311 be assigned to this purpose.

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Please be advised that this agency has already committed a large amount of financial resources to provide travel information to our citizens using 311. We pay Cincinnati Bell an unwarranted "business opportunity fee" of \$45,000 per year in addition to usage fees and FCC tariff-regulated fees. We have erected large highway signs at considerable expense to advise motorists to dial 311 for travel information. We are also planning an extensive advertising campaign in the near future to increase usage. If the FCC designates 311 for the non-emergency calls, we must go back to the Kentucky Public Service Commission and request another dialing code. We have absolutely no assurance, however, that another dialing code will be assigned. Under the assumption that another dialing code will be assigned, we will incur substantial costs in replacing our highway signs with new signs and in paying Cincinnati Bell to reconfigure the service.

The Ohio Department of Transportation (ODOT) has requested the Public Utilities Commission of Ohio (PUCO) to assign 311 to them for use in the Ohio portion of the Cincinnati Bell service area. In September of 1996, PUCO wrote to ODOT that a decision on this request was forthcoming in the next few weeks.

A statement is made in Mr. Joseph E. Brann's (Director of the Department of Justice Office of Community Oriented Policing Service), letter of August 26, 1996, to Ms. Regina Keeney that "Based on discussions with industry representatives, it appears that "311" would be an appropriate number ---". This Agency contends that public agency's adverse impacts should receive consideration over telephone industry impacts. BellSouth Telephone Company personnel testified at our hearing before the Kentucky Public Service Commission that several States had awarded them available dialing codes for sale to private sector businesses and that these dialing codes had considerable value. We surmise from the statement in Mr. Brann's letter that 311 would have the least impact on the various telephone companies who have authority to sell N11 dialing codes. We submit to you that the least impact on any agency, public or private, would occur if 611 were assigned to the Police agencies. This number is used by several telephone companies for repair calls but we believe that very few telephone customers know of the 611 usage. A review of telephone books from the three major providers of telephone service in Kentucky shows that only residential customers of Cincinnati Bell dial 611 for repair service. BellSouth has a toll-free seven-digit number and GTE has an 800 number. While we do not know the number of customers that each company has in Kentucky, BellSouth and GTE service areas each cover a larger portion of the population than Cincinnati Bell.

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In summation:

1. Please consider these comments even though not provided by the due date.
2. The Kentucky Public Service Commission has declared that N11 dialing codes are a "scarce public resource".
3. This Agency has received 311 for the sole purpose of providing free travel condition information to a portion of this State's citizens and traveling public.
4. This Agency has already expended considerable funds in the usage of 311. Additional funds would be required to change to another number even if allowed by the KPSC.
5. Public impacts should receive more consideration than private sector impacts in the assignment of "scarce public resources".
6. This Agency supports the assignment of an N11 dialing code to relieve 911 but strongly believes that 611 would have the least impact on both public and private interests.

Respectfully submitted,



James C. Codell, III
Transportation Secretary

c: ITS, Inc.
Honorable G. Edward Overbey, KPSC
John Carr